



THE HARTFORD

33 New Montgomery Street, San Francisco, CA 94105

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YNGWIE MALMSTEEN

Plaintiff(s)

vs

BERDON, LLP, et al.

Defendant(s)

SUPERSEDEAS BOND

05 CIV. 958 (RJH)

KNOW ALL MEN BY THESE PRESENTS, that HARTFORD FIRE INSURANCE COMPANY having an office at 33 New Montgomery Street, San Francisco, California 94105, as Surety is held and firmly bound unto the United States District Court, Southern District of New York in the sum of EIGHT HUNDRED TWENTY FOUR THOUSAND EIGHT HUNDRED FIFTY ONE AND 73/100 DOLLARS (\$824,851.73), for the payment of which, well and truly to be made, it binds itself, its successors and assigns, firmly by these presents.

WHEREAS, on the 21st day of January, 2009, the above named plaintiff recovered a judgment against BERDON, LLP and MICHAEL MITNICK for the total sum of EIGHT HUNDRED TWENTY ONE THOUSAND NINE HUNDRED THIRTY FOUR AND 25/100 DOLLARS (\$821,934.25); and thereafter a judgment for costs was entered on 5th day of February 2009, in favor of the above named plaintiff against BERDON, LLP and MICHAEL MITNICK in the amount of TWO THOUSAND NINE HUNDRED SEVENTEEN AND 48/100 (\$2,917.48) for a total amount of EIGHT HUNDRED TWENTY FOUR THOUSAND EIGHT HUNDRED FIFTY ONE AND 73/100 DOLLARS (\$824,851.73); and, the said BERDON, LLP AND MICHAEL MITNICK feeling aggrieved thereby has or are about to appeal therefrom to the United States Court of Appeals for the Second Circuit requiring that a supersedeas bond on such judgment be in the amount of EIGHT HUNDRED TWENTY FOUR THOUSAND EIGHT HUNDRED FIFTY ONE AND 73/100 DOLLARS (\$824,851.73).

NOW, THEREFORE, HARTFORD FIRE INSURANCE COMPANY does hereby, pursuant to the Statute in such case made and provided undertake the said BERDON, LLP and MICHAEL MITNICK, shall satisfy the aforementioned judgment in full, together with cost, interest and damages for delay, if for any reason the appeal is dismissed or if the judgment is affirmed and that said BERDON, LLP and MICHAEL MITNICK shall satisfy in full such modification of the judgment and such cost, interest and damages as the Appellate Court may adjudge and award; but in no event shall HARTFORD FIRE INSURANCE COMPANY be liable in excess of stated sum of \$824,851.73.

Signed, sealed and dated this 18TH day of FEBRUARY 2009.

Hartford Fire Insurance Company

By Paul Boucher
PAUL BOUCHER, Attorney-in-Fact

Bond No.57BSBF14054

The premium Charged for this bond
is \$12,811.00 per annum

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA

County of LOS ANGELES }On FEBRUARY 18, 2009 before me, JENNIFER VANDERVORT, NOTARY PUBLIC,
Date Here Insert Name and Title of the Officerpersonally appeared PAUL BOUCHER
Name(s) of Signer(s)

Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached DocumentTitle or Type of Document: SUPERSEDEAS BOND 57BSBFI4054Document Date: FEBRUARY 18, 2009

Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
OF SIGNER**

Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
OF SIGNER**

Top of thumb here

POWER OF ATTORNEY

THE HARTFORD

BOND, T-4

P.O. BOX 2103, 690 ASYLUM AVENUE
HARTFORD, CONNECTICUT 06115

call: 888-266-3488 or fax: 860-757-5835

Agency Code: 57-556253

KNOW ALL PERSONS BY THESE PRESENTS THAT:

- ☒ **Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- ☒ **Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- ☒ **Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut
- ☐ **Hartford Underwriters Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- ☐ **Twin City Fire Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- ☐ **Hartford Insurance Company of Illinois**, a corporation duly organized under the laws of the State of Illinois
- ☐ **Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana
- ☐ **Hartford Insurance Company of the Southeast**, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint **up to the amount of unlimited:**

Russell B. Sands, Rae Lynn Zachary, Claudia Payne, Paul Boucher

of

San Francisco, CA

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on January 22, 2004 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Paul A. Bergenholtz

Paul A. Bergenholtz, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Assistant Vice President

STATE OF CONNECTICUT

ss. Hartford

COUNTY OF HARTFORD

On this 1st day of February, 2004, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Assistant Vice President of the Companies, the corporation described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Scott E. Paseka

Scott E. Paseka
Notary Public

My Commission Expires October 31, 2007

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of **FEBRUARY 18, 2009**

Signed and sealed at the City of Hartford.



Gary W. Stumper

Gary W. Stumper, Assistant Vice President